

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
**FILED****OCT 29 2012**

CLERK, U.S. DISTRICT COURT

By \_\_\_\_\_  
DeputyIN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

MICHAEL ANTHONY DAVIS,

Plaintiff,

VS.

COLEMAN TRUST FUND  
SUPERVISOR, ET AL.,

Defendants.

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NO. 4:12-CV-705-A

O R D E R

Plaintiff, Michael Anthony Davis, filed the instant civil action on October 3, 2012, naming as defendants NFN Coleman, trust fund supervisor, Kenneth Goldsby, counselor, and NFN Gutierrez, unit manager. Plaintiff also filed a motion for leave to proceed in forma pauperis, which the court referred to the United States Magistrate Judge for consideration. The magistrate judge determined that plaintiff has had three previous cases dismissed as frivolous and is thus barred from proceeding in forma pauperis pursuant to 28 U.S.C. § 1915(g). The magistrate judge issued his findings and conclusions and a recommendation ("FC&R") that the motion be denied and that plaintiff be required to pay the full filing fee within ten days of this court's ruling on plaintiff's objections. The magistrate judge gave plaintiff until October 26, 2012, to file his objections.

Plaintiff timely filed his objections to the magistrate judge's FC&R. In accordance with 28 U.S.C. § 636(b)(1) and Rule 72 of the Federal Rules of Civil Procedure, the court makes a de novo determination of the magistrate judge's order to which specific objection is made. United States v. Raddatz, 447 U.S. 667, 673-75 (1980). The court has concluded that none of plaintiff's objections have merit.

The court has reviewed the cases identified in the FC&R, the dismissals of which resulted in plaintiff being barred from proceeding in forma pauperis, and concurs with the magistrate judge's conclusions concerning those cases. To the extent that plaintiff attempts to complain that the basis of the magistrate judge's FC&R was the result of any racial bias, plaintiff has directed the court to nothing as would substantiate that assertion. The court therefore overrules plaintiff's objections and accepts the magistrate judge's recommendation to deny plaintiff's motion to proceed in forma pauperis in this action and the requirement for plaintiff to pay the full filing fee within ten days.

Therefore,

The court ORDERS that plaintiff's objections be, and are hereby, overruled.

The court further ORDERS that by 4:00 p.m. on November 8, 2012, plaintiff pay to the Clerk of the court the full filing fee of \$350.

The court further ORDERS that failure of plaintiff to comply with the terms of this order may result in the dismissal of this action without further notice as a sanction or pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

SIGNED October 29, 2012.



JOHN MCBRYDE  
United States District Judge